

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN
MADISON DIVISION**

**JOAN LOCH,
Individually and on behalf
of all others similarly situated**

Civil Action No. 3:2022-cv-00213

JURY TRIAL DEMANDED

Plaintiff,

**COLLECTIVE ACTION
PURSUANT TO 29 U.S.C. §216(b)**

**AMERICAN FAMILY MUTUAL
INSURANCE COMPANY, S.I.**

**CLASS ACTION PURSUANT TO FED. R.
CIV. P. 23**

Defendant.

DECLARATION OF DAN RESTAD

I, Dan Restad, state as follows:

1. I am an adult over age 18 of sound mind and competent to testify as to all matters contained in this affidavit. All matters contained in this declaration are based on my personal knowledge or the business records of American Family.

2. I am employed as a Claims Manager III for American Family Mutual Insurance Company, S.I. (“American Family”). In this capacity, I managed teams that included Joan Loch, Camille Grandbois, Sharon Kocina, and Nancy Ochs.

3. American Family is a mutual insurance company based in Wisconsin that writes and sells insurance policies. In support of these functions, the company resolves claims that arise under its policies with claims adjusters who serve its various lines of business.

4. One of the primary functions of these claims adjusters is to adjust and negotiate claims resolutions. In doing so, they exercise discretion and independent judgment as they assess, investigate, and resolve claims that arise under American Family’s policies.

5. These claims adjusters, including Casualty Med Pay No-Fault Adjusters, work in all 50 states around the country.

6. Generally, the duties of Casualty Med-Pay No-Fault Adjusters include the following:

- a. Conducting first-party medical claim investigations related to payment of medical bills for injured claimants, determining who to interview as witnesses (including injured parties and medical providers), and determining all facets of the interview process;
- b. Making coverage decisions—analyzing and evaluating information gathered during their investigation to determine coverage issues;
- c. Determining the cause of any loss and the mechanism of injury through their investigation, determining whether the claimed injury was reasonable/necessary and accident-related, identifying potential fraud, and identifying and evaluating potential subrogation and contribution opportunities; and
- d. Resolving claims directly with insureds and/or their legal counsel and negotiating/settling claims with providers and others.

7. Among other factors, these duties and the exact level of discretion of each adjuster may vary depending on the seniority, experience level, education, office location, performance history of the adjuster.

8. These Casualty Med Pay No-Fault Adjusters are paid on a salary basis, though salary levels vary by the seniority, experience level, education, office location, performance history of the adjuster.

9. Joan Loch, Camille Grandbois, and Sharon Kocina each executed a Voluntary Separation Agreement and Release of Claims in September or December 2020—specifically releasing claims under the FLSA and claims related to any “wage dispute.” Redacted versions of

these agreements are attached to this Affidavit as Exhibits A, B, and C respectively, though the disclosures attached to the agreements (pursuant to the Older Workers Benefit Protection Act).

10. In exchange for their release of claims, Loch, Grandbois, and Kocina received a lump sum nearly equal to or exceeding their annual salaries, extended medical insurance benefits, and outplacement services.

11. Ochs's employment was terminated involuntarily on March 10, 2020.

12. Loch, Grandbois, Kocina, and Ochs each worked for American Family as a Casualty Med Pay No-Fault Claims Adjuster, which has been the title for that position since at least April 2019.

13. American Family does not, and has not since April 2019, had different titles for Personal Injury Protection, Med Pay, and/or No-Fault Adjusters.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 10th day of August, 2022.

A handwritten signature in black ink, appearing to read "Dan Restad". It consists of stylized letters and a surname.

Dan Restad